

### REMARKS

In the Action mailed February 1, 2006, the Examiner maintained the rejection of all of the pending independent claims 1, 12, 16 and 27 as anticipated by U.S. Patent 6,356,909 to Spencer, and further maintained the rejection of the remaining pending dependent claims 2-11, 13-15, 17-26 and 28-37 based on Spencer alone or Spencer in combination with other references (Applicant notes that with respect to claims 7, 10-11, 22, 25-26, 33 and 36-37, the Examiner referenced on page 6 of the Action the publication US 2004/0083156 A1, which is the Schulze reference, not the Spencer reference as indicated in the Action; Applicant understands that U.S. Patent No. 6,356,909 to Spencer is the reference that the Examiner intended to reference in the Action.) No claims have been amended. Accordingly, claims 1-37 remain pending.

Applicant requests reconsideration in view of the following remarks. In addition, Applicant submits assignment recordation information for US 2004/0083156 A1 to Schulze that shows there was common ownership of the present application and the Schulze reference, and requests that the Examiner review the assignment recordation information and note the common ownership.

#### **Claim Rejections – 35 U.S.C. § 102**

The Examiner maintained the rejection of claims 1-6, 8-9, 12-21, 23-24, 27-32 and 34-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,356,909 to Spencer. This includes all of the pending independent claims 1, 12, 16 and 27. In addition, the Examiner rejected the remaining dependent claims 7, 10-11, 22, 25-26, 33 and 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Spencer in view of other references.

Applicant maintains its position that each of the pending independent claims defines an invention that is patentable over Spencer, and ask for the Examiner's reconsideration. The fact that Applicant distinguishes Spencer should not be taken as an admission that Spencer is properly considered prior art under any sub-section of 35 U.S.C. § 102.

As pointed out by Applicant in a prior paper, Spencer lacks significant features required by Applicant's claims. For example, each of Applicant's independent claims 1, 12, 16 and 27 requires, among other things, 1) user input specifying a particular response attribute of a plurality

of response attributes to be evaluated according to the particular compliance rule, and 2) user input specifying the particular compliance rule of a plurality of pre-defined compliance rules. The significance of this claim language can be appreciated with reference to Applicant's Figure 9A, which shows a plurality of compliance rules that a user can select - a discard rule, a weighting rule, a processing rule, and a order of precedence rule. As is also shown in Figure 9A, the user is also able to select one of several response attributes to be used with the selected compliance rule. Thus, Applicant's claimed subject matter provides for flexibility in selecting the appropriate compliance rule type of several types and associating that with one of the response attributes.

In the most recent response, the Examiner has responded to Applicant's prior arguments, and the Examiner now contends that, as shown in additional citations provided by the Examiner, "the reference [Spencer] discloses a plurality of such compliance rules (questions for vendors, shown in Fig. 23) to which there are plural response attributes (answers to questions, shown in Fig. 24). Rules and attributes are selected by the user (RFP creator; as disclosed at Col. 14, line 42 to Col. 15, line 54, particularly Col. 14, lines 50-65, at least." Applicant respectfully disagrees with the examiner with respect to the proper interpretation of Applicant's claims, and in particular, submits that "questions for vendors" cannot be Applicant's claimed "compliance rules," and "answers to questions" cannot be Applicant's claimed "response attributes."

That a "question for a vendor," as shown in Spencer and relied upon by the Examiner, cannot be the claimed "compliance rules" is clear from Applicant's claim itself, properly interpreted in view of Applicant's specification. Claim 1, for example, requires "response attributes to be evaluated according to the compliance rule." In other words, the compliance rule governs how information provided by a respondent is evaluated, and is not information that is posed to a respondent (e.g., vendor) as a question for the vendor. By way of illustration, example "compliance rules" from Applicant's specification are a discard rule, a weighting rule, a processing rule, and order of precedence rule, and a miscellaneous rule. (See FIG. 9A and paragraphs 58-64.) As such, it is clear (and in fact, explicitly required in the claim and supported

by the specification) that Applicant's claimed "compliance rules" are rules that govern how response attributes are evaluated, and hence cannot be met by Spencer's "questions for vendors."

With respect to the claimed "response attributes," and the Examiner's contention that Spencer's "answers to questions" may serve as the claimed "response attributes," Applicant submits that the Examiner's position is contrary to the usage of the phrase "response attributes" and "response attribute data" in the claim (note the last element of claim 1 on the latter claim phrase of "response attribute data"). In other words, the claim term "response attribute" refers not to an answer to a question, but rather refers to an attribute in the database sense for which a respondent may provide attribute "data." For example as disclosed in Applicant's specification, a response attribute may be a "supplier location" or a "material ID" (see FIG. 9A), whereas data for these attribute may be, respectively, Arlington, VA and #57194. As such, the "response attribute" is not the information provided by a respondent or bid submitter, but rather is the type of information that is set up to be collected. Thus, while the claimed "response attribute data" referred to in the last element of claim 1 may constitute answers to questions, the response attribute itself cannot be met by the answers to questions shown in Spencer.

Accordingly, Spencer does not disclose Applicant's claimed subject matter as set forth in claim 1 or any of the other pending independent claims.

Neither are Applicant's independent claims obvious, in view of Spencer alone, or combined with any other reference. Indeed, Applicant's claimed subject matter provides advantages not provided or suggested in Spencer or any other reference. In particular, the claimed subject matter provides a tool for easily configuring requests for proposals, for example, so that they can be easily and efficiently administered. In particular, the ability to configure how responses will be processed, by providing for the selection of one of a plurality of pre-defined compliance rules (such as a discard rule, a weighting rule, a processing, etc., as shown for example in FIG. 9A), and then providing for the selection of the response attribute that the rule will be applied to, makes it easy and intuitive for a user, without any programming experience, to set up an on-line request for proposal. And in addition, the configuration of the on-line request

for proposal is also optimized so that responses can be quickly and easily evaluated given that the appropriate evaluation rules were set up in advance.

Additional explanation of the usefulness of Applicant's claimed subject matter is provided by way of examples in Applicant's specification, starting at paragraph 65 (page 16) and continuing through paragraph 88 (page 22). Applicant invites the Examiner to review this portion of Applicant's specification again, and requests the Examiner's reconsideration.

Accordingly, each of the pending independent claims 1, 12, 16 and 27 defines an invention that is patentable over Spencer, as do the dependent claims. The references cited by the Examiner in rejecting some of the dependent claims also do not provide the missing teachings. As such, Applicant asks that the Examiner withdraw his rejection of claims 1-37 based on Spencer along or in combination with the other references.

#### **Common Ownership of Schulze Reference**

Attached to this Submission is recordation information showing common ownership of the Schulze reference (US 2004/0083156 A1), which was only recently recorded.

#### **Conclusion**

Applicant submits that all pending claims 1-37 are in condition for allowance, and ask that the Examiner issue a Notice of Allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

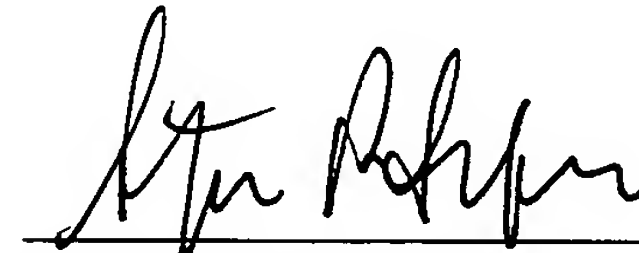
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Page : 13 of 13

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Enclosed is a \$1020 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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